

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

*IN RE PORK ANTITRUST LITIGATION*

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:

ALL ACTIONS BROUGHT BY DIRECT  
ACTION PLAINTIFFS

JURY TRIAL DEMANDED

**SEABOARD FOODS LLC'S ANSWER TO DIRECT ACTION  
PLAINTIFFS' CONSOLIDATED COMPLAINT**

**PRELIMINARY STATEMENT**

Seaboard denies all allegations in the Complaint unless expressly admitted. Where an allegation in the Complaint is directed at another Defendant or a party that is not affiliated with Seaboard, except as otherwise expressly stated, Seaboard denies the allegations on the basis that it lacks the knowledge or information sufficient to form a belief concerning the truth of such allegations. Further, unless otherwise expressly admitted, Seaboard denies any allegations in the headings, footnotes, or in other places in the Complaint, to the extent any such allegations require a response. Any headings, subheadings, or similar text that Seaboard has reprinted in this Answer are for the convenience of the Court and the parties, and are not intended to be nor shall they be construed as an admission of any fact by Seaboard.

**I. INTRODUCTION**

**Answer to Unnumbered Paragraphs in Introduction:** Seaboard states that the referenced Order and Court record speak for themselves and denies any allegations inconsistent with their contents. The unnumbered paragraphs contain Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required.

## **II. CHART OF DIRECT ACTION PLAINTIFFS, DEFENDANTS AND CAUSES OF ACTION**

**Answer to Chart of Direct Action Plaintiffs, Defendants and Causes of Action:** The Chart of Direct Action Plaintiffs, Defendants and Causes of Action ("the Chart") contains Plaintiffs' characterization of their claims and/or legal argument and conclusions to which no response is required. To the extent that a response is required, Seaboard denies any allegations in the Chart. To the extent that the allegations in the Chart relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in the Chart.

## **III. NATURE OF ACTION**

**Answer to Paragraph 1:** Seaboard denies the allegations in Paragraph 1

**Answer to Paragraph 2:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and, therefore, denies the allegations.

**Answer to Paragraph 3:** Seaboard denies the allegations in Paragraph 3.

**Answer to Paragraph 4:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 4 premised on any such conspiracy. To the extent that the allegations in Paragraph 4 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 4.

**Answer to Paragraph 5:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 5 premised on any such conspiracy. To the extent that the allegations in Paragraph 5 relate to other Defendants and/or third parties to this action,

Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that it received Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph 5 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 5.

**Answer to Paragraph 6:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 6 premised on any such conspiracy. To the extent that the allegations in Paragraph 6 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 6.

**Answer to Paragraph 7:** Seaboard denies the allegations in Paragraph 7.

**Answer to Paragraph 8:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 8 premised on any such conspiracy. To the extent that the allegations in Paragraph 8 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Seaboard Foods previously received Agri Stats reports, for lawful purposes, but denies that the allegations in Paragraph 8 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 8.

**Answer to Paragraph 9:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 9 premised on any such conspiracy. To the extent that the allegations in Paragraph 9 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Seaboard Foods received Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph 9 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 9.

**Answer to Paragraph 10:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 10 premised on any such conspiracy. To the extent that the allegations in Paragraph 10 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Seaboard Foods previously received Agri Stats reports, for lawful purposes, but denies that the allegations in Paragraph 10 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 10.

**Answer to Paragraph 11:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 11 premised on any such conspiracy. To the extent that the allegations in Paragraph 11 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these

allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 11.

**Answer to Paragraph 12:** Seaboard denies the allegations in Paragraph 12.

**Answer to Paragraph 13:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 13 premised on any such conspiracy. Paragraph 13 contains legal conclusions to which no response is required. To the extent a response is required, Seaboard denies the legal conclusions in Paragraph 13. To the extent that the allegations in Paragraph 13 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 13.

**Answer to Paragraph 14:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 14 premised on any such conspiracy. To the extent that the allegations in Paragraph 14 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 14.

**Answer to Paragraph 15:** Seaboard denies the allegations in Paragraph 15.

**Answer to Paragraph 16:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 16 premised on any such conspiracy, including any alleged violations of Section 1 of the Sherman Act. Paragraph 16 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies the characterizations, arguments, and conclusions.

**Answer to Paragraph 17:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 17 premised on any such conspiracy, including any alleged violations of the Packers and Stockyards Act. Paragraph 17 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies the characterizations, arguments, and conclusions.

#### **IV. JURISDICTION AND VENUE**

**Answer to Paragraph 18:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 18 premised on any such conspiracy. Paragraph 18 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies the characterizations, arguments, and conclusions.

**Answer to Paragraph 19:** Seaboard admits that this Court has subject-matter jurisdiction.

**Answer to Paragraph 20:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 20 premised on any such conspiracy. Seaboard admits that venue is proper in this district for the purposes of this matter only. Seaboard denies the remaining allegations in Paragraph 20.

**Answer to Paragraph 21:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 21 premised on any such conspiracy. Seaboard admits that it is subject to the personal jurisdiction of the Court for the purposes of this matter only. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning whether the other Defendants in this District are subject to the personal

jurisdiction of this Court and, therefore, denies the allegations, Seaboard denies the remaining allegations in Paragraph 21.

**Answer to Paragraph 22:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 22 premised on any such conspiracy. To the extent that the allegations in Paragraph 22 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning whether the other Defendants in this District are subject to the personal jurisdiction of this Court and, therefore, denies the allegations, Seaboard denies the remaining allegations in Paragraph 22.

**V. PARTIES**

**Answer to Paragraph 23:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 and, therefore, denies the allegations.

**Answer to Paragraph 24:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 and, therefore, denies the allegations.

**Answer to Paragraph 25:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 and, therefore, denies the allegations.

**Answer to Paragraph 26:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and, therefore, denies the allegations.

**Answer to Paragraph 27:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 and, therefore, denies the allegations.

**Answer to Paragraph 28:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and, therefore, denies the allegations.

**Answer to Paragraph 29:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 and, therefore, denies the allegations.

**Answer to Paragraph 30:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and, therefore, denies the allegations.

**Answer to Paragraph 31:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 and, therefore, denies the allegations.

**Answer to Paragraph 32:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and, therefore, denies the allegations.

**Answer to Paragraph 33:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 and, therefore, denies the allegations.

**Answer to Paragraph 34:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and, therefore, denies the allegations.

**Answer to Paragraph 35:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and, therefore, denies the allegations.

**Answer to Paragraph 36:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and, therefore, denies the allegations.

**Answer to Paragraph 37:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and, therefore, denies the allegations.

**Answer to Paragraph 38:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and, therefore, denies the allegations.

**Answer to Paragraph 39:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and, therefore, denies the allegations.



**Answer to Paragraph 40:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 and, therefore, denies the allegations.

**Answer to Paragraph 41:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and, therefore, denies the allegations.

**Answer to Paragraph 42:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and, therefore, denies the allegations.

**Answer to Paragraph 43:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and, therefore, denies the allegations.

**Answer to Paragraph 44:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and, therefore, denies the allegations.

**Answer to Paragraph 45:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 and, therefore, denies the allegations.

**Answer to Paragraph 46:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and, therefore, denies the allegations.

**Answer to Paragraph 47:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 and, therefore, denies the allegations.

**Answer to Paragraph 48:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 and, therefore, denies the allegations.

**Answer to Paragraph 49:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 and, therefore, denies the allegations.

**Answer to Paragraph 50:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and, therefore, denies the allegations.

**Answer to Paragraph 51:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 and, therefore, denies the allegations.

**Answer to Paragraph 52:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and, therefore, denies the allegations.

**Answer to Paragraph 53:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and, therefore, denies the allegations.

**Answer to Paragraph 54:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 and, therefore, denies the allegations.

**Answer to Paragraph 55:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 and, therefore, denies the allegations.

**Answer to Paragraph 56:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 and, therefore, denies the allegations.

**Answer to Paragraph 57:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and, therefore, denies the allegations.

**Answer to Paragraph 58:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 and, therefore, denies the allegations.

**Answer to Paragraph 59:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 and, therefore, denies the allegations.

**Answer to Paragraph 60:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 and, therefore, denies the allegations.

**Answer to Paragraph 61:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 and, therefore, denies the allegations.

**Answer to Paragraph 62:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 and, therefore, denies the allegations.

**Answer to Paragraph 63:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 and, therefore, denies the allegations.

**Answer to Paragraph 64:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 and, therefore, denies the allegations.

**Answer to Paragraph 65:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 and, therefore, denies the allegations.

**Answer to Paragraph 66:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 and, therefore, denies the allegations.

**Answer to Paragraph 67:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 and, therefore, denies the allegations.

**Answer to Paragraph 68:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 and, therefore, denies the allegations.

**Answer to Paragraph 69:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 and, therefore, denies the allegations.

**Answer to Paragraph 70:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 and, therefore, denies the allegations.

**Answer to Paragraph 71:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 and, therefore, denies the allegations.

**Answer to Paragraph 72:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 and, therefore, denies the allegations.

**Answer to Paragraph 73:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 and, therefore, denies the allegations.

**Answer to Paragraph 74:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 and, therefore, denies the allegations.

**Answer to Paragraph 75:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75 and, therefore, denies the allegations.

**Answer to Paragraph 76:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 and, therefore, denies the allegations.

**Answer to Paragraph 77:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 and, therefore, denies the allegations.

**Answer to Paragraph 78:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 and, therefore, denies the allegations.

**Answer to Paragraph 79:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 and, therefore, denies the allegations.

**Answer to Paragraph 80:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 and, therefore, denies the allegations.

**Answer to Paragraph 81:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 81 premised on any such conspiracy. Paragraph 81 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies the characterizations, arguments, and conclusions.

**Answer to Paragraph 82:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 82 premised on any such conspiracy. To the extent

that the allegations in Paragraph 82 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Seaboard Foods received Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph 82 fully and accurately summarize those reports or the relationship between Seaboard Foods and Agri Stats. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 82.

**Answer to Paragraph 83:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 83 premised on any such conspiracy. To the extent that the allegations in Paragraph 83 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 83.

**Answer to Paragraph 84:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 and, therefore, denies the allegations.

**Answer to Paragraph 85:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 and, therefore, denies the allegations.

**Answer to Paragraph 86:** Paragraph 86 consists in part of Plaintiffs' explanation of a defined term used in their Complaint, to which no response is required. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 and, therefore, denies the allegations.

**Answer to Paragraph 87:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 and, therefore, denies the allegations.

**Answer to Paragraph 88:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 and, therefore, denies the allegations.

**Answer to Paragraph 89:** Paragraph 89 consists in part of Plaintiffs' explanation of a defined term used in their Complaint, to which no response is required. Further, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 and, therefore, denies the allegations.

**Answer to Paragraph 90:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90 and, therefore, denies the allegations.

**Answer to Paragraph 91:** Seaboard admits that Seaboard Foods LLC is a limited-liability company headquartered in the area of Johnson County, Kansas, designated as Shawnee Mission, Kansas; that it is a wholly owned subsidiary of Seaboard Corporation; and that Seaboard Foods and Daily's sold pork to purchasers in the United States. Seaboard denies the remaining allegations of Paragraph 91.

**Answer to Paragraph 92:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 and, therefore, denies the allegations.

**Answer to Paragraph 93:** Seaboard admits that it sold Triumph-produced pork to purchasers in the United States. Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 93 premised on any such conspiracy. To the extent that the allegations in Paragraph 93 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 93.

**Answer to Paragraph 94:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 and, therefore, denies the allegations.

**Answer to Paragraph 95:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 and, therefore, denies the allegations.

**Answer to Paragraph 96:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 and, therefore, denies the allegations.

**Answer to Paragraph 97:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 and, therefore, denies the allegations.

**Answer to Paragraph 98:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98 and, therefore, denies the allegations.

## **VI. CO-CONSPIRATORS**

**Answer to Paragraph 99:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99 and, therefore, denies the allegations.

**Answer to Paragraph 100:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 100 premised on any such conspiracy. Seaboard admits that Daily's Premium Meats, LLC, is a Delaware limited liability company headquartered in Kansas City, Missouri; that during what Plaintiffs call the "Conspiracy Period" Daily's was wholly owned by Seaboard until approximately September 27, 2014; that from September 27, 2014, through the present, Seaboard and Triumph have each held (directly or indirectly) a 50% interest in Daily's; that as of September 27, 2014, Daily's board of directors was made up of four directors appointed by Seaboard, consisting of Seaboard or Seaboard Corporation employees, and four directors appointed by Triumph, consisting of Triumph or Triumph member employees; that Daily's sells bacon products produced primarily from pork bellies produced by Seaboard and

Triumph; and that Daily's sells pork to purchasers in the United States. Seaboard denies any remaining allegations in Paragraph 100.

**Answer to Paragraph 101:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 101 premised on any such conspiracy. Seaboard admits that Seaboard Triumph Foods, LLC, is a Delaware limited liability company headquartered in Sioux City, Iowa; that Seaboard Triumph Foods, LLC, is a joint venture between Seaboard Foods and Triumph Foods; and that Seaboard Triumph Foods, LLC, produces pork that is sold to purchasers in the United States. Seaboard further admits that, beginning on or about May 13, 2015, and continuing through the present, Seaboard TF Holdings, LLC, and Triumph (directly or indirectly) have each held a 50% interest in Seaboard Triumph Foods, LLC. Seaboard denies the remaining allegations in Paragraph 101.

**Answer to Paragraph 102:** Seaboard denies the allegations in Paragraph 102.

**Answer to Paragraph 103:** Seaboard denies the allegations in Paragraph 103.

## **VII. TRADE AND COMMERCE**

**Answer to Paragraph 104:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 104 premised on any such conspiracy. To the extent that the allegations in Paragraph 104 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 104.

**Answer to Paragraph 105:** Paragraph 105 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies the conspiracy or conspiracies alleged in the Complaint and,



therefore, denies the allegations to the extent they are premised on any such conspiracies. Seaboard denies the remaining allegations in Paragraph 105.

**VIII. THE IMPORTANCE OF AGRI STATS TO THE UNLAWFUL CONSPIRACY ALLEGED IN THIS COMPLAINT**

**Answer to Paragraph 106:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 106 premised on any such conspiracy. To the extent that the allegations in Paragraph 106 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 106.

**Answer to Paragraph 107:** Seaboard states that the referenced publications speak for themselves, and denies any characterization inconsistent therewith. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 107, and therefore denies the allegations.

**Answer to Paragraph 108:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 108 premised on any such conspiracy. To the extent that the allegations in Paragraph 108 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 108.

**Answer to Paragraph 109:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 109 premised on any such conspiracy. To the extent that the allegations in Paragraph 109 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these

allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 109.

**Answer to Paragraph 110:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 110 premised on any such conspiracy. To the extent that the allegations in Paragraph 110 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 110.

**Answer to Paragraph 111:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 111 premised on any such conspiracy. To the extent that the allegations in Paragraph 111 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 111.

**Answer to Paragraph 112:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112 and, therefore, denies the allegations.

**Answer to Paragraph 113:** Seaboard denies the allegations in Paragraph 113.

**Answer to Paragraph 114:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 114 premised on any such conspiracy. To the extent that the allegations in Paragraph 114 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. To the extent the allegations in Paragraph 114 refer to a court-ordered disclosure document, Seaboard states that the document speaks for itself

and denies any characterization inconsistent therewith. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations in Paragraph 114 and, therefore, denies the allegations.

**Answer to Paragraph 115:** Seaboard denies the allegations in Paragraph 115.

**Answer to Paragraph 116:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 116 premised on any such conspiracy. To the extent that the allegations in Paragraph 116 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 116.

**Answer to Paragraph 117:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 117 premised on any such conspiracy. To the extent that the allegations in Paragraph 117 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Seaboard Foods previously received Agri Stats reports and provided information to Agri Stats, and states that it received such reports and provided such information for lawful purposes. Seaboard denies the remaining allegations in Paragraph 117.

**Answer to Paragraph 118:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 and, therefore, denies the allegations.

**Answer to Paragraph 119:** Seaboard admits that Seaboard Foods previously submitted information to Agri Stats, but denies that the allegations in Paragraph 119 accurately describe the information submitted, the process for submission, or the verification or audit of any data that may

occur. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 119 and, therefore, denies the allegations.

**Answer to Paragraph 120:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 120 premised on any such conspiracy. To the extent that the allegations in Paragraph 120 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Seaboard Foods previously received Agri Stats reports, for lawful purposes, but denies that the allegations in Paragraph 120 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 120.

**Answer to Paragraph 121:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121 and, therefore, denies the allegations.

**Answer to Paragraph 122:** Seaboard states that the presentation in Paragraph 122 speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form an opinion as to the truth of any remaining allegations in Paragraph 122 and, therefore, denies the allegations.

**Answer to Paragraph 123:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 123 premised on any such conspiracy. To the extent that the allegations in Paragraph 123 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the reports referenced

in Paragraph 123 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 123.

**Answer to Paragraph 124:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 124 premised on any such conspiracy. To the extent that the allegations in Paragraph 124 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the report referenced in Paragraph 124 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 124.

**Answer to Paragraph 125:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 125 premised on any such conspiracy. To the extent that the allegations in Paragraph 125 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Paragraph 125 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard denies any remaining allegations in Paragraph 125.

**Answer to Paragraph 126:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 126 premised on any such conspiracy. To the extent that the allegations in Paragraph 126 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the presentation

referenced in Paragraph 126 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies the remaining allegations in Paragraph 126.

**Answer to Paragraph 127:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127 and, therefore, denies the allegations.

**Answer to Paragraph 128:** Seaboard admits that Seaboard Foods previously submitted information to Agri Stats, but denies that the allegations in Paragraph 128 accurately describe the information submitted, the process for submission, or the verification or audit of any data that may occur. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 128 and, therefore, denies the allegations.

**Answer to Paragraph 129:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 and, therefore, denies the allegations.

**Answer to Paragraph 130:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130 and, therefore, denies the allegations.

**Answer to Paragraph 131:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131 and, therefore, denies the allegations.

**Answer to Paragraph 132:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 and, therefore, denies the allegations. Seaboard further states that the website referenced in Paragraph 132 speaks for itself and denies any allegations inconsistent with its contents.

**Answer to Paragraph 133:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 133 premised on any such conspiracy. To the extent that the allegations in Paragraph 133 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these

allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 133.

**Answer to Paragraph 134:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 134 premised on any such conspiracy. Seaboard states that the reports referenced in Paragraph 134 speak for themselves and denies any allegations inconsistent with their contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 134 and, therefore, denies the allegations.

**Answer to Paragraph 135:** Seaboard states that the reports referenced in Paragraph 135 speak for themselves and denies any allegations inconsistent with their contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 135 and, therefore, denies the allegations.

**Answer to Paragraph 136:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136 and, therefore, denies the allegations.

**Answer to Paragraph 137:** Seaboard admits that Josh Edwards joined Seaboard as an employee in approximately March 2014, and that Mr. Edwards previously worked for Agri Stats. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 137 and, therefore, denies the allegations.

**Answer to Paragraph 138:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138 and, therefore, denies the allegations.

**Answer to Paragraph 139:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139 and, therefore, denies the allegations.

**Answer to Paragraph 140:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140 and, therefore, denies the allegations.

**Answer to Paragraph 141:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 141 premised on any such conspiracy. Seaboard states that the documents referenced in Paragraph 141 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 141.

**Answer to Paragraph 142:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 142 premised on any such conspiracy. Seaboard states that the documents referenced in Paragraph 142 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 142.

**Answer to Paragraph 143:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 143 premised on any such conspiracy. Seaboard states that the documents referenced in Paragraph 143 speak for themselves and denies any allegations inconsistent with their contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 143 and, therefore, denies the allegations.

**Answer to Paragraph 144:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 144 premised on any such conspiracy. Seaboard states that the documents referenced in Paragraph 144 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 144.

**Answer to Paragraph 145:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 145 premised on any such conspiracy. To the extent that the allegations in Paragraph 145 relate to other Defendants and/or third parties to this action,



Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 145.

**Answer to Paragraph 146:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 146 premised on any such conspiracy. To the extent that the allegations in Paragraph 146 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 146.

**Answer to Paragraph 147:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 147 premised on any such conspiracy. To the extent that the allegations in Paragraph 147 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 147.

**Answer to Paragraph 148:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 148 premised on any such conspiracy. To the extent that the allegations in Paragraph 148 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 148.

**Answer to Paragraph 149:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 149 premised on any such conspiracy. Paragraph 149

contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 149 and, therefore, denies the allegations.

**Answer to Paragraph 150:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 150 premised on any such conspiracy. Paragraph 150 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 150 and, therefore, denies the allegations.

**Answer to Paragraph 151:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 151 premised on any such conspiracy. Paragraph 151 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 151 and, therefore, denies the allegations.

**Answer to Paragraph 152:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 and, therefore, denies the allegations.

**Answer to Paragraph 153:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153 and, therefore, denies the allegations.

**Answer to Paragraph 154:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 154 and, therefore, denies the allegations.

**Answer to Paragraph 155:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 155 premised on any such conspiracy. To the extent that the allegations in Paragraph 155 purport to quote an article in Bloomberg News, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 155.

**Answer to Paragraph 156:** Seaboard denies the allegations in Paragraph 156.

**IX. THE MARKET FOR THE PRODUCTION AND SUPPLY OF PORK WAS CONDUCTIVE TO COLLUSION**

**Answer to Paragraph 157:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 157 premised on any such conspiracy. Paragraph 157 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 157 and, therefore, denies the allegations.

**Answer to Paragraph 158:** Paragraph 158 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 158 and, therefore, denies the allegations.

**Answer to Paragraph 159:** Paragraph 159 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a

response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 159 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159 and, therefore, denies the allegations.

**Answer to Paragraph 160:** Paragraph 160 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 160 and, therefore, denies the allegations.

**Answer to Paragraph 161:** Paragraph 161 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 161 and, therefore, denies the allegations.

**Answer to Paragraph 162:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162 and, therefore, denies the allegations.

**Answer to Paragraph 163:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 163 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 163 and, therefore, denies the allegations.

**Answer to Paragraph 164:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 164 and, therefore, denies the allegations.

**Answer to Paragraph 165:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 165 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 165 and, therefore, denies the allegations.

**Answer to Paragraph 166:** Seaboard admits that “farrowing” is a term used to describe a female hog giving birth; that female hogs used in the farrowing stage of production are sometimes known as “sows”; that some sows may have between 11 and 13 pigs per litter; that some piglets grown for meat consumption are moved to a nursery for a period of six to eight weeks or until the pig achieves a specified target weight; that some pigs spend time in a finishing barn; and that some pigs reach a final weight of over 250 pounds before they are sent to a plant for harvesting. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 166 and, therefore, denies the allegations.

**Answer to Paragraph 167:** Seaboard denies that the allegations in Paragraph 167 fully and accurately describe “the path for pork raised for meat consumption from birth through sale to entities such as Plaintiffs and the overall value chain of the U.S. pork market.” Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 167 and, therefore, denies the allegations.

**Answer to Paragraph 168:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 168 and, therefore, denies the allegations.

**Answer to Paragraph 169:** Seaboard admits that it raised approximately 75% of the hogs processed at its Guymon, Oklahoma plant in 2009, and purchased its remaining hog requirements primarily under contracts with independent producers. Seaboard further admits that it sold pork produced in Triumph’s plant or produced in Seaboard Triumph Foods’ plant. Seaboard states that

the remaining allegations in Paragraph 169 characterize Seaboard Corporation's 10-K reports. Seaboard states that Seaboard Corporation's 10-K reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 169.

**Answer to Paragraph 170:** Seaboard states that the Clemens Food Group website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 170 and, therefore, denies the allegations.

**Answer to Paragraph 171:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171 and, therefore, denies the allegations.

**Answer to Paragraph 172:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 172 and, therefore, denies the allegations.

**Answer to Paragraph 173:** Seaboard states that the Tyson 10-K report speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 173 and, therefore, denies the allegations.

**Answer to Paragraph 174:** Seaboard states that Hormel's 2009 annual report speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 174 and, therefore, denies the allegations.

**Answer to Paragraph 175:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 175 premised on any such conspiracy. Seaboard further states that the Indiana Packer's website referenced in Paragraph 175 speaks for itself and

denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175 and, therefore, denies the allegations.

**Answer to Paragraph 176:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 176 premised on any such conspiracy. To the extent the allegations in Paragraph 176 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 176.

**Answer to Paragraph 177:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 177 premised on any such conspiracy. Seaboard admits that it sells pork products under name brands. To the extent that the remaining allegations in Paragraph 177 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 177.

**Answer to Paragraph 178:** Paragraph 178 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 178 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 178 and, therefore, denies the allegations.

**Answer to Paragraph 179:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 179 premised on any such conspiracy. To the extent

that the remaining allegations in Paragraph 179 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 179.

**Answer to Paragraph 180:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 180 and, therefore, denies the allegations.

**Answer to Paragraph 181:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 181 and, therefore, denies the allegations.

**Answer to Paragraph 182:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 182 and, therefore, denies the allegations.

**Answer to Paragraph 183:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 183 and, therefore, denies the allegations.

**Answer to Paragraph 184:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 184 and, therefore, denies the allegations.

**Answer to Paragraph 185:** Seaboard admits that Seaboard Triumph Foods began operating a plant in 2017. To the extent the allegations in Paragraph 185 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 185.

**Answer to Paragraph 186:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 186 premised on any such conspiracy. Paragraph 186 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs'



characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 186 and, therefore, denies the allegations.

**Answer to Paragraph 187:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 187 premised on any such conspiracy. To the extent that the allegations in Paragraph 187 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 187.

**Answer to Paragraph 188:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 188 premised on any such conspiracy. To the extent that the allegations in Paragraph 188 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 188.

**Answer to Paragraph 189:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 189 and, therefore, denies the allegations.

**Answer to Paragraph 190:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 190 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 190 and, therefore, denies the allegations.

**Answer to Paragraph 191:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 191 and, therefore, denies the allegations.

**X. SELECT TRADE ASSOCIATIONS FACILITATED COLLUSION**

**Answer to Paragraph 192:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 192 premised on any such conspiracy. Seaboard admits that Seaboard Foods at times has been a member of certain legitimate trade associations and that employees or executives have attended meetings from time to time that are hosted by such legitimate trade associations. To the extent that the allegations in Paragraph 192 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 192.

**Answer to Paragraph 193:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 193 premised on any such conspiracy. Seaboard admits that Seaboard Foods at times has been a member of certain legitimate trade associations and that employees or executives have attended meetings from time to time that are hosted by such legitimate trade associations. To the extent that the allegations in Paragraph 193 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 193.

**Answer to Paragraph 194:** Seaboard states that the NPPC website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 194 and, therefore, denies the allegations.

**Answer to Paragraph 195:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 195 and, therefore, denies the allegations.

**Answer to Paragraph 196:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 196 and, therefore, denies the allegations.

**Answer to Paragraph 197:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 197 and, therefore, denies the allegations.

**Answer to Paragraph 198:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 198 and, therefore, denies the allegations.

**Answer to Paragraph 199:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 199 and, therefore, denies the allegations.

**Answer to Paragraph 200:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 200 and, therefore, denies the allegations.

**Answer to Paragraph 201:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 201 and, therefore, denies the allegations.

**Answer to Paragraph 202:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 202 premised on any such conspiracy. Seaboard states that the NPIC website speaks for itself and denies any allegations inconsistent with its contents. Seaboard admits that certain Seaboard employees have attended and spoken from time to time at meetings that are hosted by legitimate trade associations. To the extent that the allegations in Paragraph 202 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 204.

**Answer to Paragraph 203:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 203 premised on any such conspiracy. To the extent that the allegations in Paragraph 203 relate to other Defendants and/or third parties to this action,

Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 203.

**Answer to Paragraph 204:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 204 premised on any such conspiracy. Seaboard admits that certain Seaboard employees have attended and spoken from time to time at meetings that are hosted by legitimate trade associations. To the extent that the allegations in Paragraph 204 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 204.

**Answer to Paragraph 205:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 205 premised on any such conspiracy. Seaboard admits that certain Seaboard employees have attended PPIC events. To the extent that the allegations in Paragraph 205 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 205.

**Answer to Paragraph 206:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 206 premised on any such conspiracy. To the extent that the allegations in Paragraph 206 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that certain of Seaboard Food's employees have attended AMI and NAMI meetings. Seaboard denies the remaining allegations in Paragraph 206.

**Answer to Paragraph 207:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 207 and, therefore, denies the allegations.

**Answer to Paragraph 208:** Seaboard states that the North American Meat Association's website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 208 and, therefore, denies the allegations.

**Answer to Paragraph 209:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 209 premised on any such conspiracy. To the extent that the allegations in Paragraph 209 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Gary Louis and Terry Holton served on the NAMI board, and that Rod Brenneman served on the AMI board. Seaboard denies the remaining allegations in Paragraph 209.

**Answer to Paragraph 210:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 210 premised on any such conspiracy. To the extent that the allegations in Paragraph 210 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that certain of Seaboard Food's employees have served on the AMI and/or NAMI board of directors, and that Rod Brenneman served as chairman of AMI. Seaboard denies the remaining allegations in Paragraph 210.

**Answer to Paragraph 211:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 211 and, therefore, denies the allegations.

**Answer to Paragraph 212:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 212 and, therefore, denies the allegations.

**Answer to Paragraph 213:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 213 and, therefore, denies the allegations.

**Answer to Paragraph 214:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 214 and, therefore, denies the allegations.

**Answer to Paragraph 215:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 215 and, therefore, denies the allegations.

**Answer to Paragraph 216:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 216 and, therefore, denies the allegations.

**Answer to Paragraph 217:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 217 and, therefore, denies the allegations.

**Answer to Paragraph 218:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 218 premised on any such conspiracy. Seaboard states that IPPE's promotional materials speak for themselves, and denies any characterization inconsistent therewith. To the extent that the allegations in Paragraph 218 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 218.

**XI. DEFENDANTS AND CO-CONSPIRATORS IMPLEMENTED COLLUSIVE, ANTICOMPETITIVE CAPACITY AND PROCESSING RESTRICTIONS**

**Answer to Paragraph 219:** Seaboard denies the allegations in Paragraph 219.

**Answer to Paragraph 220:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 220 premised on any such conspiracy, including that

there was a “conspiracy period.” To the extent that the allegations in Paragraph 220 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 220.

**Answer to Paragraph 221:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 221 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 221 and, therefore, denies the allegations.

**Answer to Paragraph 222:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 222 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 222 and, therefore, denies the allegations.

**Answer to Paragraph 223:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 223 premised on any such conspiracy. To the extent that the allegations in Paragraph 223 purport to quote an article in Pork Powerhouses, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 223.

**Answer to Paragraph 224:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 224 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 224 and, therefore, denies the allegations.

**Answer to Paragraph 225:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 225 premised on any such conspiracy. Seaboard lacks

knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 225 and, therefore, denies the allegations.

**Answer to Paragraph 226:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 226 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 226 and, therefore, denies the allegations.

**Answer to Paragraph 227:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 227 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 227 and, therefore, denies the allegations.

**Answer to Paragraph 228:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 228 premised on any such conspiracy. To the extent that the allegations in Paragraph 228 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Paragraph 228 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 228 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 228 and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 228.

**Answer to Paragraph 229:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 229 premised on any such conspiracy. Seaboard lacks



knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 229 and, therefore, denies the allegations.

**Answer to Paragraph 230:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 230 premised on any such conspiracy. To the extent that the allegations in Paragraph 230 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 230.

**Answer to Paragraph 231:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 231 and, therefore, denies the allegations.

**Answer to Paragraph 232:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 232 and, therefore, denies the allegations.

**Answer to Paragraph 233:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 233 and, therefore, denies the allegations.

**Answer to Paragraph 234:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 234 and, therefore, denies the allegations.

**Answer to Paragraph 235:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 235 and, therefore, denies the allegations.

**Answer to Paragraph 236:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 236 and, therefore, denies the allegations.

**Answer to Paragraph 237:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 237 and, therefore, denies the allegations.

**Answer to Paragraph 238:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 238 and, therefore, denies the allegations.

**Answer to Paragraph 239:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 239 and, therefore, denies the allegations.

**Answer to Paragraph 240:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 240 and, therefore, denies the allegations.

**Answer to Paragraph 241:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 241 and, therefore, denies the allegations.

**Answer to Paragraph 242:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 242 and, therefore, denies the allegations.

**Answer to Paragraph 243:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 243 and, therefore, denies the allegations.

**Answer to Paragraph 244:** Seaboard states that JBS's 2016 annual report speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 244 and, therefore, denies the allegations.

**Answer to Paragraph 245:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 245 and, therefore, denies the allegations.

**Answer to Paragraph 246:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 246 and, therefore, denies the allegations.

**Answer to Paragraph 247:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 247 and, therefore, denies the allegations.

**Answer to Paragraph 248:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 248 and, therefore, denies the allegations.

**Answer to Paragraph 249:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 249 and, therefore, denies the allegations.

**Answer to Paragraph 250:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 250 premised on any such conspiracy. Seaboard admits that, at times within the class period, its export sales experienced year-over-year growth and it had multiple employees whose duties related to international sales and exports. Seaboard states that Seaboard Corporation's 2013 annual report speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 250.

**Answer to Paragraph 251:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 251 premised on any such conspiracy. To the extent that the allegations in Paragraph 251 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 251 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 251.

**Answer to Paragraph 252:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 252 premised on any such conspiracy. To the extent that the allegations in Paragraph 252 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents

referenced in Paragraph 252 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 252.

**Answer to Paragraph 253:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 253 premised on any such conspiracy. To the extent that the allegations in Paragraph 253 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 253 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 253.

**Answer to Paragraph 254:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 254 premised on any such conspiracy. To the extent that the allegations in Paragraph 254 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 254 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 254.

**Answer to Paragraph 255:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 255 premised on any such conspiracy. To the extent that the allegations in Paragraph 255 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 255 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 255.

**Answer to Paragraph 256:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 256 premised on any such conspiracy. To the extent that the allegations in Paragraph 256 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 256 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 256.

**Answer to Paragraph 257:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 257 premised on any such conspiracy. To the extent that the allegations in Paragraph 257 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 257 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 257.

**Answer to Paragraph 258:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 258 and, therefore, denies the allegations.

**Answer to Paragraph 259:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 259 and, therefore, denies the allegations.

**Answer to Paragraph 260:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 260 and, therefore, denies the allegations.

**Answer to Paragraph 261:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 261 and, therefore, denies the allegations.

**Answer to Paragraph 262:** Seaboard states that the documents characterized in Paragraph 262 speak for themselves, and denies any characterization inconsistent with their contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 262 and, therefore, denies the allegations.

**Answer to Paragraph 263:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 263 premised on any such conspiracy. To the extent that the allegations in Paragraph 263 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 263.

**Answer to Paragraph 264:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 264 premised on any such conspiracy. To the extent that the allegations in Paragraph 264 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 264.

**Answer to Paragraph 265:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 265 premised on any such conspiracy. To the extent that the allegations in Paragraph 265 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 265.

**Answer to Paragraph 266:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 266 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 266, and, therefore, denies the allegations.

**Answer to Paragraph 267:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 267 premised on any such conspiracy. Seaboard states that the document referenced in Paragraph 267 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies the remaining allegations in Paragraph 267.

**Answer to Paragraph 268:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 268 and, therefore, denies the allegations.

**Answer to Paragraph 269:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 269 and, therefore, denies the allegations.

**Answer to Paragraph 270:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 270 and, therefore, denies the allegations.

**Answer to Paragraph 271:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 271 and, therefore, denies the allegations.

**Answer to Paragraph 272:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 272 and, therefore, denies the allegations.

**Answer to Paragraph 273:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 273 and, therefore, denies the allegations.

**Answer to Paragraph 274:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 274 and, therefore, denies the allegations.

**Answer to Paragraph 275:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations in Paragraph 275, and, therefore, denies the allegations.

**Answer to Paragraph 276:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 276 and, therefore, denies the allegations.

**Answer to Paragraph 277:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 277 premised on any such conspiracy. To the extent that the allegations in Paragraph 277 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 277 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 277.

**Answer to Paragraph 278:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 278 and, therefore, denies the allegations.

**Answer to Paragraph 279:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 279 and, therefore, denies the allegations.

**Answer to Paragraph 280:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 280 premised on any such conspiracy. To the extent that the allegations in Paragraph 280 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 280 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 280.



**Answer to Paragraph 281:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 281 premised on any such conspiracy. To the extent that the allegations in Paragraph 281 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 281 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 281.

**Answer to Paragraph 282:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 282 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 282 and, therefore, denies the allegations.

**Answer to Paragraph 283:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 283 and, therefore, denies the allegations.

**Answer to Paragraph 284:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 284 and, therefore, denies the allegations.

**Answer to Paragraph 285:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 285 and, therefore, denies the allegations.

**Answer to Paragraph 286:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 286 and, therefore, denies the allegations.

**Answer to Paragraph 287:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 287 premised on any such conspiracy. To the extent that the allegations in Paragraph 287 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these

allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 287 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 287.

**Answer to Paragraph 288:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 288 and, therefore, denies the allegations.

**Answer to Paragraph 289:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 289 and, therefore, denies the allegations.

**Answer to Paragraph 290:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 290 and, therefore, denies the allegations.

**Answer to Paragraph 291:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 291 and, therefore, denies the allegations.

**Answer to Paragraph 292:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 292 and, therefore, denies the allegations.

**Answer to Paragraph 293:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 293 and, therefore, denies the allegations.

**Answer to Paragraph 294:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 294 and, therefore, denies the allegations.

**Answer to Paragraph 295:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 295 and, therefore, denies the allegations.

**Answer to Paragraph 296:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 296 premised on any such conspiracy. To the extent that the allegations in Paragraph 296 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these

allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 296.

**Answer to Paragraph 297:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 297 and, therefore, denies the allegations.

**Answer to Paragraph 298:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 298 premised on any such conspiracy. Seaboard admits that Triumph and Seaboard have a marketing agreement in which certain pork products produced by Triumph are marketed by Seaboard. Seaboard further states that the documents referenced in Paragraph 298 speak for themselves and denies any allegations inconsistent with their contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 298 and, therefore, denies the allegations.

**Answer to Paragraph 299:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 299 and, therefore, denies the allegations.

**Answer to Paragraph 300:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 300 premised on any such conspiracy. To the extent that the allegations in Paragraph 300 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 300 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 300.

**Answer to Paragraph 301:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 301 and, therefore, denies the allegations.

**Answer to Paragraph 302:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 302 premised on any such conspiracy. To the extent that the allegations in Paragraph 302 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that Mr. Brenneman spoke at a lunch meeting in September 2009. Seaboard further states that the documents referenced in Paragraph 302 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 302.

**Answer to Paragraph 303:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 303 premised on any such conspiracy. To the extent that the allegations in Paragraph 303 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 303 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 303.

**Answer to Paragraph 304:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 304 premised on any such conspiracy. Seaboard admits that Rod Brenneman testified to the House Committee on Agriculture Subcommittee on Livestock, Dairy, and Poultry on October 22, 2009. Seaboard states that Mr. Brenneman's testimony speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 304.

**Answer to Paragraph 305:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 305 and, therefore, denies the allegations.

**Answer to Paragraph 306:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 306 and, therefore, denies the allegations.

**Answer to Paragraph 307:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 307 and, therefore, denies the allegations.

**Answer to Paragraph 308:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 308 and, therefore, denies the allegations.

**Answer to Paragraph 309:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 309 and, therefore, denies the allegations.

**Answer to Paragraph 310:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 310 and, therefore, denies the allegations.

**Answer to Paragraph 311:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 311 and, therefore, denies the allegations.

**Answer to Paragraph 312:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 312 and, therefore, denies the allegations.

**Answer to Paragraph 313:** Paragraph 313 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 313 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 313 and, therefore, denies the allegations.

**Answer to Paragraph 314:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 314 and, therefore, denies the allegations.

**Answer to Paragraph 315:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 315 and, therefore, denies the allegations.

**Answer to Paragraph 316:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 316 and, therefore, denies the allegations.

**Answer to Paragraph 317:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 317 premised on any such conspiracy. To the extent that the allegations in Paragraph 317 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 317.

**Answer to Paragraph 318:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 318 and, therefore, denies the allegations.

**Answer to Paragraph 319:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 319 and, therefore, denies the allegations.

**Answer to Paragraph 320:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 320 and, therefore, denies the allegations.

**Answer to Paragraph 321:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 321 premised on any such conspiracy. To the extent that the allegations in Paragraph 321 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that a PEDv epidemic occurred in 2014 and that the epidemic impacted pork supply in the United States, but denies any implication

that the epidemic began in 2014 or that its effects on supply were confined to 2014. Seaboard denies the remaining allegations in Paragraph 321.

**Answer to Paragraph 322:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 322 and, therefore, denies the allegations.

**Answer to Paragraph 323:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 323 and, therefore, denies the allegations.

**Answer to Paragraph 324:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 324 and, therefore, denies the allegations.

**Answer to Paragraph 325:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 325 and, therefore, denies the allegations.

**Answer to Paragraph 326:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 326 and, therefore, denies the allegations.

**Answer to Paragraph 327:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 327 and, therefore, denies the allegations.

**Answer to Paragraph 328:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 328 and, therefore, denies the allegations.

**Answer to Paragraph 329:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 329 premised on any such conspiracy. To the extent that the allegations in Paragraph 329 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 329 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 329.

**Answer to Paragraph 330:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 330 and, therefore, denies the allegations.

**Answer to Paragraph 331:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 331 premised on any such conspiracy. To the extent that the allegations in Paragraph 331 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 331 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 331.

**Answer to Paragraph 332:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 332 and, therefore, denies the allegations.

**Answer to Paragraph 333:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 333 and, therefore, denies the allegations.

**Answer to Paragraph 334:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 334 premised on any such conspiracy. To the extent that the allegations in Paragraph 334 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 334 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 334.

**Answer to Paragraph 335:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 335 premised on any such conspiracy. Seaboard further states that the document referenced in Paragraph 335 speaks for itself and denies any



allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 335.

**Answer to Paragraph 336:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 336 premised on any such conspiracy. To the extent that the allegations in Paragraph 336 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 336 speaks for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 336.

**Answer to Paragraph 337:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 337 and, therefore, denies the allegations.

**Answer to Paragraph 338:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 338 and, therefore, denies the allegations.

**Answer to Paragraph 339:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 339 premised on any such conspiracy. To the extent that the allegations in Paragraph 339 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 339 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 339.

**Answer to Paragraph 340:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 340 and, therefore, denies the allegations.

**Answer to Paragraph 341:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 341 and, therefore, denies the allegations.

**Answer to Paragraph 342:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 342 and, therefore, denies the allegations.

**Answer to Paragraph 343:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 343 and, therefore, denies the allegations.

**Answer to Paragraph 344:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 344 premised on any such conspiracy. To the extent that the allegations in Paragraph 344 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 344 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 344.

**Answer to Paragraph 345:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 345 and, therefore, denies the allegations.

**Answer to Paragraph 346:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 346 and, therefore, denies the allegations.

**Answer to Paragraph 347:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 347 premised on any such conspiracy. To the extent that the allegations in Paragraph 347 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that a PEDv epidemic occurred in 2014 and that the epidemic impacted pork supply in the United States, but denies any implication

that the epidemic began in 2014 or that its effects on supply were confined to 2014. Seaboard denies the remaining allegations in Paragraph 347.

**Answer to Paragraph 348:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 348 premised on any such conspiracy. To the extent that the allegations in Paragraph 348 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 348 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 348.

**Answer to Paragraph 349:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 349 and, therefore, denies the allegations.

**Answer to Paragraph 350:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 350 and, therefore, denies the allegations.

**Answer to Paragraph 351:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 351 premised on any such conspiracy. To the extent that the allegations in Paragraph 351 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 351 speaks for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 351.

**Answer to Paragraph 352:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 352 and, therefore, denies the allegations.

**Answer to Paragraph 353:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 353 and, therefore, denies the allegations.

**Answer to Paragraph 354:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 354 and, therefore, denies the allegations.

**Answer to Paragraph 355:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 355 and, therefore, denies the allegations.

**Answer to Paragraph 356:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 356 and, therefore, denies the allegations.

**Answer to Paragraph 357:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 357 and, therefore, denies the allegations.

**Answer to Paragraph 358:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 358 and, therefore, denies the allegations.

**Answer to Paragraph 359:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 359 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 360:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 360 and, therefore, denies the allegations.

**Answer to Paragraph 361:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 361 and, therefore, denies the allegations.

**Answer to Paragraph 362:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 362 and, therefore, denies the allegations.

**Answer to Paragraph 363:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 363 and, therefore, denies the allegations.

**Answer to Paragraph 364:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 364 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 365:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 365 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 366:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 366 and, therefore, denies the allegations.

**Answer to Paragraph 367:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 367 premised on any such conspiracy. To the extent that the allegations in Paragraph 367 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 367 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 367.

**Answer to Paragraph 368:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 368 and, therefore, denies the allegations.

**Answer to Paragraph 369:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 369 premised on any such conspiracy. To the extent

that the allegations in Paragraph 369 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies any remaining allegations in Paragraph 369.

**XII. ABNORMAL PRICING DURING THE CONSPIRACY DEMONSTRATES THE SUCCESS OF THE CONSPIRACY**

**Answer to Paragraph 370:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 370 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 371:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 371 and, therefore, denies the allegations.

**Answer to Paragraph 372:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 372 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 373:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 373 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 374:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 374 premised on any such conspiracy. To the extent that the allegations in Paragraph 374 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these

allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 374 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 374.

**Answer to Paragraph 375:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 375 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 376:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 376 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 377:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 377 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 378:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 378 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**XIII. THE CONSPIRACY WAS EFFECTIVE IN INCREASING THE PRICE OF PORK SOLD TO PLAINTIFFS AND OTHERS IN THE UNITED STATES**

**Answer to Paragraph 379:** Seaboard denies the allegations in Paragraph 379.

**Answer to Paragraph 380:** Seaboard denies that all pork is a commodity product as described in the first sentence of Paragraph 380. Seaboard lacks knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 380 and, therefore, denies the allegations.

**Answer to Paragraph 381:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 381 premised on any such conspiracy. To the extent that the allegations in Paragraph 381 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Paragraph 381 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 381 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 381 and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 381.

**Answer to Paragraph 382:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 382 and, therefore, denies the allegations.

**Answer to Paragraph 383:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 383 and, therefore, denies the allegations.

**Answer to Paragraph 384:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 384 and, therefore, denies the allegations.

**Answer to Paragraph 385:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 385 premised on any such conspiracy. Paragraph 385 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs'



characterizations, legal argument, and conclusions. To the extent Paragraph 385 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 385 and, therefore, denies the allegations.

**Answer to Paragraph 386:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 386 and, therefore, denies the allegations.

**Answer to Paragraph 387:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 387 and, therefore, denies the allegations.

#### **XIV. PLAINTIFFS' CLAIMS ARE TIMELY**

**Answer to Paragraph 388:** Seaboard denies the allegations in Paragraph 388.

**Answer to Paragraph 389:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 389 premised on any such conspiracy. Paragraph 389 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 389 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 389 and, therefore, denies the allegations. Seaboard denies any remaining allegations in Paragraph 389.

**Answer to Paragraph 390:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 390 premised on any such conspiracy. Paragraph 390 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 390 contains factual

allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 390 and, therefore, denies the allegations.

**Answer to Paragraph 391:** Seaboard denies the allegations in Paragraph 391.

**Answer to Paragraph 392:** Seaboard denies the allegations in Paragraph 392.

**Answer to Paragraph 393:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 393 premised on any such conspiracy. To the extent that the allegations in Paragraph 393 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the documents referenced in Paragraph 393 speaks for themselves and denies any allegations inconsistent with their contents. Seaboard denies any remaining allegations in Paragraph 393.

**Answer to Paragraph 394:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 394 and, therefore, denies the allegations.

**Answer to Paragraph 395:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 395 and, therefore, denies the allegations.

**Answer to Paragraph 396:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 396 and, therefore, denies the allegations.

**Answer to Paragraph 397:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 397 and, therefore, denies the allegations.

**Answer to Paragraph 398:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 398 and, therefore, denies the allegations.

**Answer to Paragraph 399:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 399 premised on any such conspiracy. To the extent

that the allegations in Paragraph 399 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 399 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 399.

**Answer to Paragraph 400:** Seaboard denies the allegations in Paragraph 400.

**Answer to Paragraph 401:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 401 and, therefore, denies the allegations.

**Answer to Paragraph 402:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 402 premised on any such conspiracy. Seaboard admits that Brenneman and Pope spoke with each other at least once between late 2008 and late 2009, and that Smithfield supplied hogs to Seaboard during that period. Seaboard denies that Brenneman and Pope “used the relationship to discuss in detail the supply plans of their respective companies and pressure each other to commit to supply reductions.” Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 402 and, therefore, denies the allegations.

**Answer to Paragraph 403:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 403 premised on any such conspiracy. To the extent that the allegations in Paragraph 403 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 403 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 403.

**Answer to Paragraph 404:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 404 and, therefore, denies the allegations.

**Answer to Paragraph 405:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 405 and, therefore, denies the allegations.

**Answer to Paragraph 406:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 406 and, therefore, denies the allegations.

**Answer to Paragraph 407:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 407 premised on any such conspiracy. To the extent that the allegations in Paragraph 407 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 407 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 407.

**Answer to Paragraph 408:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 408 and, therefore, denies the allegations.

**Answer to Paragraph 409:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 409 and its subparts and, therefore, denies the allegations.

**Answer to Paragraph 410:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 410 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 411:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 411 and, therefore, denies the allegations.

**Answer to Paragraph 412:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 412 and, therefore, denies the allegations.

**Answer to Paragraph 413:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 413 and, therefore, denies the allegations.

**Answer to Paragraph 414:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 414 premised on any such conspiracy. To the extent that the allegations in Paragraph 414 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 414 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 414.

**Answer to Paragraph 415:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 415 premised on any such conspiracy. To the extent that the allegations in Paragraph 415 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 415 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 415.

**Answer to Paragraph 416:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 416 and, therefore, denies the allegations.

**Answer to Paragraph 417:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 417 premised on any such conspiracy. To the extent that the allegations in Paragraph 417 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 417 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 417.

**Answer to Paragraph 418:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 418 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 419:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 419 and, therefore, denies the allegations.

**Answer to Paragraph 420:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 420 and, therefore, denies the allegations.

**Answer to Paragraph 421:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 421 and, therefore, denies the allegations.

**Answer to Paragraph 422:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 422 and, therefore, denies the allegations.

**Answer to Paragraph 423:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 423 premised on any such conspiracy. To the extent that the allegations in Paragraph 423 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these

allegations and, therefore, denies the allegations. Seaboard further states that the document referenced in Paragraph 423 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 423.

**Answer to Paragraph 424:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 424 and, therefore, denies the allegations.

**Answer to Paragraph 425:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 425 and, therefore, denies the allegations.

**Answer to Paragraph 426:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 426 and, therefore, denies the allegations.

**Answer to Paragraph 427:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 427 and, therefore, denies the allegations.

**Answer to Paragraph 428:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 428 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 428 and, therefore, denies the allegations.

**Answer to Paragraph 429:** Seaboard denies the allegations in Paragraph 429.

**Answer to Paragraph 430:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 430 and, therefore, denies the allegations.

**Answer to Paragraph 431:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 431 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 431 and, therefore, denies the allegations.

**Answer to Paragraph 432:** Paragraph 432 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 432 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 432 and, therefore, denies the allegations.

**Answer to Paragraph 433:** Paragraph 433 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 433 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 433 and, therefore, denies the allegations.

**Answer to Paragraph 434:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 434 and, therefore, denies the allegations.

**Answer to Paragraph 435:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 435 and, therefore, denies the allegations.

**Answer to Paragraph 436:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 436 and, therefore, denies the allegations.

**Answer to Paragraph 437:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 437 and, therefore, denies the allegations.

**Answer to Paragraph 438:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 438 and, therefore, denies the allegations.



**Answer to Paragraph 439:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 439 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 439 and, therefore, denies the allegations.

**Answer to Paragraph 440:** Seaboard denies the allegations in Paragraph 440.

**Answer to Paragraph 441:** Seaboard denies allegations in Paragraph 441.

**Answer to Paragraph 442:** Seaboard denies the allegations in Paragraph 442.

**Answer to Paragraph 443:** Seaboard denies the allegations in Paragraph 443.

**Answer to Paragraph 444:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 444 premised on any such conspiracy. Paragraph 444 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent that Paragraph 444 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 445:** Seaboard denies the allegations in Paragraph 445.

**Answer to Paragraph 446:** Seaboard denies the allegations in Paragraph 446.

**Answer to Paragraph 447:** Seaboard denies the allegations in Paragraph 447.

**Answer to Paragraph 448:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 448 and, therefore, denies the allegations.

**Answer to Paragraph 449:** Seaboard denies the allegations in Paragraph 449.

## **XV. CLAIMS FOR RELIEF AND CAUSES OF ACTION**

**Answer to Paragraph 450:** Seaboard incorporates by reference its answers to the preceding paragraphs.

## **COUNT I – VIOLATION OF 15 U.S.C. § 1**

**Answer to Paragraph 451:** Paragraph 451 contains no factual assertions to which a response is required. Paragraph 451 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 451 requires a response, Seaboard states that the referenced opinions speak for themselves, and Seaboard denies any characterization inconsistent therewith. Seaboard denies any remaining allegation in Paragraph 451.

**Answer to Paragraph 452:** Paragraph 452 contains no factual assertions to which a response is required. Paragraph 452 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 452 requires a response, Seaboard states that the referenced opinions speak for themselves, and Seaboard denies any characterization inconsistent therewith.

**Answer to Paragraph 453:** Paragraph 453 contains no factual assertions to which a response is required. Paragraph 453 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 453 requires a response, Seaboard states that the referenced opinions speak for themselves, and Seaboard denies any characterization inconsistent therewith. Seaboard denies any remaining allegation in Paragraph 453.

**Answer to Paragraph 454:** Seaboard denies the allegations in Paragraph 454.

**Answer to Paragraph 455:** Seaboard denies the allegations in Paragraph 455 and its subparts.

**Answer to Paragraph 456:** Seaboard denies the allegations in Paragraph 456 and its subparts.

**Answer to Paragraph 457:** Seaboard denies the allegations in Paragraph 457.

**Answer to Paragraph 458:** Seaboard denies the allegations in Paragraph 458 and its subparts.

**Answer to Paragraph 459:** Seaboard denies the allegations in Paragraph 459.

**COUNT II – VIOLATION OF THE PACKERS AND STOCKYARD ACT**

**Answer to Paragraph 460:** Paragraph 460 contains no factual assertions to which a response is required. Paragraph 460 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 460 requires a response, Seaboard states that the referenced opinions and statutes speak for themselves, and Seaboard denies any characterization inconsistent therewith. Seaboard denies that the PSA provides Plaintiffs a private right of action. Seaboard denies any remaining allegation in Paragraph 460.

**Answer to Paragraph 461:** Paragraph 461 contains no factual assertions to which a response is required. Paragraph 461 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 461 requires a response, Seaboard states that the referenced statute speaks for itself, and Seaboard denies any characterization inconsistent therewith. Seaboard denies any remaining allegation in Paragraph 461.

**Answer to Paragraph 462:** Paragraph 462 contains no factual assertions to which a response is required. Paragraph 462 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 462 requires a response, Seaboard states that the referenced statute speaks for itself, and Seaboard

denies any characterization inconsistent therewith. Seaboard denies any remaining allegation in Paragraph 462.

**Answer to Paragraph 463:** Paragraph 463 contains no factual assertions to which a response is required. Paragraph 463 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 463 requires a response, Seaboard states that the referenced regulation speaks for itself, and Seaboard denies any characterization inconsistent therewith. Seaboard denies any remaining allegation in Paragraph 463.

**Answer to Paragraph 464:** Paragraph 464 contains no factual assertions to which a response is required. Paragraph 464 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 464 requires a response, Seaboard states that the referenced regulation speaks for itself, and Seaboard denies any characterization inconsistent therewith. Seaboard denies any remaining allegation in Paragraph 464.

**Answer to Paragraph 465:** Seaboard denies the allegations in Paragraph 465.

**Answer to Paragraph 466:** Seaboard denies the allegations in Paragraph 466.

**Answer to Paragraph 467:** Seaboard denies the allegations in Paragraph 467.

**Answer to Paragraph 468:** Seaboard denies the allegations in Paragraph 468.

**Answer to Paragraph 469:** Seaboard denies the allegations in Paragraph 469.

**Answer to Paragraph 470:** Paragraph 470 contains no factual assertions to which a response is required. Paragraph 470 further states legal conclusions and Plaintiffs' characterizations of this action, to which no response is required. To the extent Paragraph 470 requires a response, Seaboard states that the referenced statute speaks for itself, and Seaboard

denies any characterization inconsistent therewith. Seaboard denies any remaining allegation in Paragraph 470.

**Answer to Paragraph 471:** Seaboard denies the allegations in Paragraph 471.

**XVI. PRAYER FOR RELIEF**

The Prayer for Relief and its subparts contain no factual assertions to which a response is required. The Prayer for Relief and its subparts further state legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Prayer for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Prayer for Relief and its subparts.

**XVII. JURY DEMAND**

The Jury Demand contains no factual assertions to which a response is required.

**AFFIRMATIVE DEFENSES**

By submitting this list of affirmative defenses, Seaboard does not admit any of the allegations in the Complaint. Seaboard denies each and every allegation in the Complaint except as expressly admitted in its Answer.

Seaboard asserts each of the following affirmative defenses as to all claims against Seaboard in the Complaint. By setting forth these affirmative defenses, Seaboard does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiffs. Nothing herein is intended or shall be construed as an admission that any particular issue or subject matter is relevant to the Plaintiffs' allegations.

**FIRST DEFENSE**

Plaintiffs fail, in whole or in part, to state a claim upon which relief may be granted.

## **SECOND DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs failed to mitigate any damages it may have suffered. Plaintiffs allege a conspiracy involving different purportedly anticompetitive actions at different times, among a varying subset of the nation's pork producers. If Plaintiffs believed at any time that Defendants were unfairly and anti-competitively raising prices for their direct purchases, Plaintiffs had an obligation to use its purchasing position to contract for or otherwise negotiate competitive terms of purchase or to switch to pork integrators that are not alleged to have been part of the alleged conspiracy, including but not limited to those that process specialty pork such as organic, pasture-raised and/or locally-sourced pork.

## **THIRD DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because the conduct of Seaboard was procompetitive, reasonable, permissible, and was based upon independent, legitimate, and self-interested business and economic justifications.

## **FOURTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by the doctrine of laches. Much of Defendants' alleged conduct, such as participation in trade group associations, was public well before Plaintiffs or any others in these consolidated actions filed their Complaints. Plaintiffs demonstrated an unreasonable lack of diligence in bringing their claims, resulting in economic prejudice to Seaboard. Seaboard continued to invest in its relationships with direct pork-product purchasers while Plaintiffs delayed their claims alleging misconduct in Seaboard's pork-related activities. Additionally, sufficient time has passed as a result of Plaintiffs' delay that evidence and witnesses have become unavailable. This unreasonable lack of diligence in raising Plaintiffs' claims bars them now.

#### **FIFTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

#### **SIXTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, to the extent that they have agreed to arbitration or chosen a different forum for the resolution of their claims. Plaintiffs' claims against Seaboard are premised on the sale of pork products. When Seaboard reviews the contracts of sales for those products, if they contain arbitration and/or forum selection provisions, those provisions may bar Plaintiffs' claims in this Court in whole or in part. *See, e.g., Cont'l Ins. Co. v. M/V ORSULA*, 354 F.3d 603 (7th Cir. 2003); *J.D. Fields & Co., Inc. v. Nucor-Yamato Steel Co.*, 2016 WL 6156188, at \*9 (E.D. Ark. Feb. 2, 2016).

#### **SEVENTH DEFENSE**

Without admitting the existence of any contract, combination or conspiracy in restraint of trade, and expressly denying same, Plaintiffs claims are barred, in whole or in part, by non-settling Defendants' right to set off any amounts paid to Plaintiffs by any Defendants who have settled, or do settle, Plaintiffs' claims against them in this action.

#### **EIGHTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, to the extent it seeks improper multiple damage awards, damage awards duplicative of those sought in other actions, or excessive damages in violation of the Due Process guarantees of the Fifth and Fourteenth Amendments of the United States Constitution. To the extent that any Plaintiffs remain part of the putative classes bringing similar claims, that any Plaintiffs' damages would form part of the recovery by a State Attorney General in a suit brought under *parens patriae* authority, or that Plaintiffs' damages are otherwise duplicative of recovery in any other pending or future lawsuit, those damages are barred. Additionally, to the extent that Plaintiffs seeks to collect compensatory damages, penalties,

punitive damages, exemplary damages, attorneys' fees and expenses, and other monetary relief from Seaboard, Plaintiffs seek a recovery that is so grossly excessive and inequitable that it would violate the Due Process Clause of the Fifth and Fourteenth Amendments of the United States Constitution.

#### **NINTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Seaboard's conduct did not cause harm to competition in any relevant market.

#### **TENTH DEFENSE**

To the extent Plaintiffs claims that Seaboard fraudulently concealed any actions, Plaintiffs have failed to allege this fraud with the particularity required by Fed. R. Civ. P. 9(b).

#### **ELEVENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because any alleged anti-competitive effects of the conduct alleged by Plaintiffs do not outweigh the pro-competitive benefits.

#### **TWELFTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, to the extent Plaintiffs seek to impose liability on Seaboard based on the exercise of any person or entity's right to petition federal, state, and local legislative bodies, because such conduct was immune under the *Noerr-Pennington* doctrine and privileged under the First Amendment to the U.S. Constitution. To the extent that Plaintiffs seek to prove the existence of their alleged conspiracy by citing lobbying and other protected activity, their claims are barred. *See, e.g.*, Compl. ¶ 196 (citing Defendants' alleged participation in "Legislative Action conferences each spring and fall in Washington DC"). Protected activities include, without limitation, participation in trade associations, seeking legislative and administrative remedies, and lobbying activities related to the establishment of rules and procedures for USDA price reporting and the effect of ethanol requirements on grain prices.



### **THIRTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because any contracts or agreements between Seaboard and any other person were lawful business arrangements and cannot support a claim that Seaboard engaged in any unlawful conspiracy.

### **FOURTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs did not suffer antitrust injury or injury-in-fact.

### **FIFTEENTH DEFENSE**

Plaintiffs' damages claims are barred, in whole or in part, because they have suffered no damages or because the damages they seek are speculative and uncertain.

### **SIXTEENTH DEFENSE**

Plaintiffs' claims are barred in whole or in part, to the extent that Plaintiffs seek recovery for damages resulting from indirect purchases of pork or, in the alternative, such claims are barred in whole or in part by the pass-on defense.

### **SEVENTEENTH DEFENSE**

Seaboard reserves the right to assert other defenses as this action proceeds up to and including the time of trial, including any defense previously asserted by Seaboard.

### **PRAYER FOR RELIEF**

WHEREFORE, Seaboard respectfully requests that judgment be entered in favor of Seaboard and the other Defendants and against Plaintiffs, dismissing the Complaint in its entirety with prejudice. Seaboard further requests that this Court: (i) award Seaboard its costs and disbursements; and (ii) award such other and further relief as the Court deems just and proper.

**JURY TRIAL DEMANDED**

Pursuant to the Federal Rules of Civil Procedure 38, Seaboard demands a trial by jury on all claims so triable.

Dated: January 20, 2023

/s/ William D. Thomson

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